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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,523	10/25/2002	David W. McCulloch	3810.19	2139

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MUNSCH, HARDT, KOPF & HARR, P.C.
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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,523

Applicant(s)

MCCULLOCH ET AL.

Examiner

Jennifer H. Gay

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-29 and 32-35 is/are allowed.
- 6) ☒ Claim(s) 36-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 39, 40, and 44 are objected to because of the following informalities:
 - Claims 39 and 44, there is insufficient antecedent basis for “the nesting segments”.
 - Claim 40, “an oilfield apparatus” in lines 8 and 9 should be changed to --the at least one oilfield apparatus-- .

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 36, 38, 40, 41, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Bailey (US 4,249,600).

Regarding claim 36: Bailey discloses an apparatus for hoisting and positioning an oilfield apparatus **40** over a wellhead. The apparatus includes the following features:

- A pivotable mast **42** having at least two telescoping arms **152-158** that include a plurality of co-axially aligned segments **152a-158a** for raising and lowering the oilfield apparatus.
- A cross-support member **124** extending between the at least two telescoping arms.
- A transport mechanism **76** disposed on and movable along the support member between the at least two arms. The transport member is operable to support the oilfield apparatus to enable lateral positioning of the apparatus between the arms.

Regarding claim 38: The mast is pivotally coupled to a vehicle **12**, **14**.

Regarding claim 40: Bailey discloses an apparatus for hoisting and positioning an oilfield apparatus **196** over a wellhead. The apparatus includes the following features:

- A base member (Figure 9)
- A pivotable mast **42** having at least two telescoping arms **152-158** that include a plurality of co-axially aligned segments **152a-158a** for raising and lowering an oilfield apparatus **196**.
- A transport mechanism **76** disposed on and movable along the support member between the at least two arms. The transport member is operable to support the oilfield apparatus to enable lateral positioning of the apparatus between the arms.
- A mounting **202** coupled to the base member for supporting the oilfield apparatus **196** wherein the mounting is movable along the base member for alignment with the transport mechanism.

Regarding claim 41: The mounting includes a sliding structure having a pair of sleeves **200** connected by a cross member.

Regarding claim 43: The base member is mounted to a vehicle **12**.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of McCafferty et al. (US 6,273,188).

Bailey discloses all of the limitations of the above claims except for the transport member pivoting relative to the mast when the mast is pivoted.

McCafferty et al. discloses an apparatus similar to that of Bailey. McCafferty et al. further teaches a transport member **36** that is pivotable relative to the mast (Figure 1).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the apparatus of Bailey such the transport member was pivotable relative to the mast as taught by McCafferty et al. in order to have provided an additional means for aligning the oilfield apparatus over the wellhead in situations where the mast cannot be positioned directly over the wellhead.

6. Claims 39 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of Swoboda, Jr. et al. (US 3,840,128).

Bailey discloses all of the limitations of the above claims except for nesting segments including roller bearings.

Swoboda, Jr. et al. discloses a telescopic arm used in oilfield operations. Swoboda, Jr. et al. further teaches roller bearings **254, 265, 272** between the nested segments.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the telescoping arms of Bailey to include roller bearings as taught by Swoboda, Jr. et al. in order to have reduced the friction between the segments.

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey.

Bailey discloses all of the limitations of the above claims except for moving the sliding structure using a hydraulic cylinder. However, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have used a hydraulic cylinder as the examiner takes Official Notice that the use of hydraulic cylinders to move objects on drilling and workover rigs is well known in the art. The use of a hydraulic cylinder would have allowed greater control over the movement of the slide and thus the oilfield apparatus.

Allowable Subject Matter

8. Claims 1-29 and 32-35 are allowed.

Response to Arguments

9. Applicant's arguments filed 01 August 2005, with respect to claims 1-29 and 32-35 have been fully considered and are persuasive. The 35 USC 103(a) rejection of claims 1-29 and 32-35 has been withdrawn.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

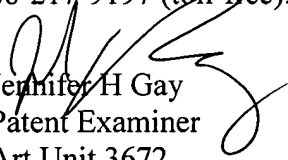
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer H Gay
Patent Examiner
Art Unit 3672

JHG 
September 7, 2005